

## **REMARKS**

In response to the Office Action dated December 24, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 48-53, 58-63, and 68-73 are pending in this application. Claims 54-57, 64-67, and 74-77 are canceled without prejudice or disclaimer. Claims 1-47 were previously canceled without prejudice or disclaimer.

### **Rejection of Claims under § 103 (a)**

Claims 48-51, 53, 58-61, 63, 68-71, and 73 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* in view of U.S. Patent 6,282,655 to Given.

These claims, however, cannot be obvious over *Frengut* and *Given*. These claims recite, or incorporate, features that are not taught or suggested by *Frengut* and *Given*. Independent claim 48, for example, recites “*instructing the computer to deactivate a screen saver, request a home web page, and receive emails in response to the activation signal.*” Independent claims 48, 58, and 68 recite similar features.

These features are not obvious over *Frengut* and *Given*. *Fengut* presents a customized web page to a user. *See* U.S. Patent Application Publication 2002/0046099 to Frengut, *et al.* at paragraph [0026]. The user’s profile is compared to an ad profile and matching ads are retrieved. *See id.* *Given* describes a motion detector that sends a signal to a keyboard interface. *See* U.S. Patent 6,282,655 to Given at column 2, lines 5-20. If the user is detected, but not typing on the keyboard, the keyboard interface sends a “harmless keystroke” to the computer to prevent security software from locking the terminal. *Id.* at column 2, lines 50-62. Still, though, the combined teaching of *Frengut* and *Given* fails to teach or suggest “*instructing the computer to deactivate a screen saver, request a home web page, and receive emails in response to the*

*activation signal.*” One of ordinary skill in the art, then, would not think that the independent claims are obvious over *Frengut* and *Given*.

Independent claims 58 and 68 recite even more distinguishing features. Independent claim 58, for example, recites “*instruct the computer to deactivate a screen saver, request a home web page, receive emails, and launch a telephone dialer in response to the activation signal.*” Support may be found at least at paragraph [0027]. Independent claim 58 also recites “*transmit a presence indicator from the presence detector to a set top box*” and “*configure the set top box to turn on a television, tune to a specific channel, and adjust a volume in response to the activation signal.*” Support may be found at least at paragraph [0019] and [0043] (explaining “computer 870 can be a home entertainment server that is coupled to television 850, set-top box 852, stereo system 860, and other information delivery systems”). The combined teaching of *Frengut* and *Given* remains silent to all these additional features.

Claims 48-51, 53, 58-61, 63, 68-71, and 73, then, are not obvious over *Frengut* and *Given*. Independent claims 48, 58 and 68 recite many features that are not taught or suggested by *Frengut* and *Given*. The dependent claims incorporate these features and recite additional features. These claims, then, are not obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

#### **Rejection of Claims 52, 62 & 72 under § 103 (a)**

The Office rejected claims 52, 62, and 72 under 35 U.S.C. § 103 (a) as being obvious over *Frengut* and *Given* in view of U.S. Patent 6,025,869 to Stas, *et al.*

*Gutta*, *Given*, and *Stas*, though, cannot obviate claims 52, 62, and 72. These claims depend, respectively, from independent claim 48, 58 or 68 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Gutta* and *Given* do not teach or suggest all the features of the independent claims, and *Stas* does not cure these deficiencies. *Stas* describes a matrix that allows a supervisor (*e.g.*, a parent) to block/allow certain channels and

times of use. Still, though, *Gutta*, *Given*, and *Stas* fails to teach all the features of independent claims 48, 58 and 68. One of ordinary skill in the art, then, would not think that claims 52, 62, and 72 are obvious over *Gutta*, *Given*, and *Stas*. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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